



*Synopsis of Senate Committee Amendments**

Gerald T. Noël, Jr.

Legislative Service Commission

Sub. H.B. 412

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(S. Judiciary – Civil Justice)

Inspections or investigations used in criminal actions

The House passed version of the bill specified that in any action or proceeding other than a resident's action for a violation of the resident's rights the results of an inspection or investigation of a home could be used solely to determine the home's compliance with certain state laws. The Senate Committee amended this provision to provide that this restriction does not prohibit those inspection and investigation results from being used in a criminal investigation or prosecution.

The House passed version also specified that the results of a survey of a nursing facility could be used solely to determine the nursing facility's compliance with certain state laws. The Senate Committee amended this provision to provide that this restriction does not prohibit those survey results and any related findings or deficiencies from being used in a criminal investigation or prosecution.

Right to bring cause of action on behalf of resident

The House passed version specifically authorized a resident's legal guardian or other legally authorized representative to bring an action on behalf of the resident or the resident's estate against any person or home that commits a violation of the resident's rights. The Senate Committee amended this provision to provide that if one of those persons is unable to do so, the following persons in descending priority are authorized to bring the action: a resident's spouse, a resident's parent or adult child, a minor resident's guardian, the resident's brother or sister, and the resident's niece, nephew, aunt, or uncle. The Senate Committee also amended this provision to authorize the court to determine which person in any priority level may bring the action.

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* This synopsis does not address amendments that may have been adopted on the Senate floor.